

Washington, D.C. - Congressman Mark Kirk (R-Highland Park) testified before the Department of Transportation, Federal Railroad Administration (FRA) Wednesday morning regarding FRA's proposed rule on the use of locomotive horns at highway-rail grade crossings. Congressman Kirk urged FRA to extend the comment period on the Interim Final Rule after several municipalities in the Chicagoland area voiced their concerns over the qualifications needed for quiet zones and the possible costs of installing Supplemental Safety Measures.

Rep. Kirk and FRA Administrator Allan Rutter will hold a roundtable discussion with local leaders from several north suburban municipalities in Arlington Heights on **Monday, February 16th** to discuss the Interim Final Rule and cost-effective measures municipalities can use to meet safety criteria. The following is Kirk's testimony before the Department of Transportation.

"Good morning. Today, I am here on behalf of the residents of Illinois' Tenth Congressional District, members of the Northwest Municipal Conference, and the greater Chicagoland area. Since the Notice of Proposed Rule Making (NPRM) was published in January of 2000, the Federal Railroad Administration (FRA) has made significant headway in drafting a final rule regarding the use of locomotive horns at highway-rail grade crossings. However, after an initial review of the Interim Final Rule published on December 18, 2003, municipalities in northeast Illinois have raised serious concerns regarding the availability and accuracy of current data, several quantitative aspects of qualifying current and new quiet zones, and the subsequent cost to install Supplemental Safety Measures (SSM).

In the greater Chicago area, over two and a half million people live within a half mile of an active highway-rail grade crossing. Simply put, that is easily the most concentrated mixture of rail and people in the nation. Currently, there are 8,181 grade level crossings in Illinois, of which 842 are on state roads, and 7,341 are on local roads. There are 2,621 grade-separated crossings (bridges) in the state. Another 4,748 grade crossings are on private property. There are also 277 pedestrian grade crossings in Illinois. One can easily see how train horns blowing at all of these crossings would impact residents both financially and in terms of quality of life. Living at our nation's crossroads has significant benefits, but also has its challenges. Nevertheless, Illinois has and will continue to meet these challenges to improve the safety of motorists and pedestrians traveling across rail crossings while at the same time preserving the quality of life for residents who live near crossings. Since 1988, the Illinois Commerce Commission (ICC) has dedicated more than \$365 million to improve safety at over fifteen hundred highway-rail grade crossings. Specifically, the ICC invested more than \$162 million at

over 380 crossings in northeast Illinois. Since 1989, fatalities and injuries have decreased by 72% in Illinois, in great part due to these improvements. This work continues today through the ICC's Grade Crossing Protection Fund which invests \$27 million annually to assist local jurisdictions in improving crossing safety.

Safety will always be our nation's and Illinois top priority in dealing with these crossings. With this in mind, on December 18, 2003, municipalities in Illinois' Tenth Congressional District and throughout the country began an analysis of the Interim Final Rule and subsequent material released by the FRA. However, city managers and engineers found it difficult to access the "Quiet Zone Calculator." Additionally, when data became available many omissions and inaccurate specifications on crossings were found. While access to the "Quiet Zone Calculator" has improved, this setback the review process several weeks. As a result, municipal governments cannot complete a thorough analysis in the time permitted for comment. Furthermore, several municipalities are concerned that the FRA cost estimates to install SSM are underestimated by as much as a magnitude of ten.

An initial review by the Northwest Municipal Conference highlights several of these concerns. Specifically, the Conference review found a significant number of existing quiet zones with no recent history of accidents which would require installation of some type of SSM to maintain their status. Among many, existing quiet zones in Glenview, Arlington Heights, and Glencoe may require upgrading current gates to four-quadrant gate. Each gate is estimated to cost between \$300,000 and \$400,000. However, more time is necessary to fully examine the geometrics of each crossing to evaluate the feasibility of alternative SSM.

In addition, the "Quiet Zone Calculator" omitted some crossings altogether and improperly located others crossings in the wrong community entirely. For example, the crossing at Rohlwing Road is not in Arlington Heights, but rather in Palatine, and the crossing at County Line Road is not in Glencoe, but rather in Highland Park.

The Northwest Municipal Conference also found that the "Quiet Zone Calculator" incorrectly classified one crossing on Lake-Cook Road as only having gates and flashing lights, when in reality; rail-grade separation has been complete for some time. For these reasons, the FRA, state officials, and the railroads clearly need to improve the process in which the FRA highway-rail grade crossing inventory is updated. We cannot potentially burden local governments and taxpayers with millions of dollars in upgrades based on data with such inaccuracies, omissions, and outdated evidence.

Municipalities are also concerned that the "Quiet Zone Calculator" does not provide guidance on the use of Alternative Safety Measures (ASM) such as education and enforcement and photo enforcement. Until communities are able to calculate ASM's as part of meeting the qualification for quiet zones, they are unable to evaluate the impact of the Interim Final Rule.

While I am optimistic that these specific concerns will be addressed, they highlight the necessity to conduct a thorough review of the most current data available and the subsequent impact of the Interim Final Rule.

On January 22, 2004, I joined Speaker Hastert (R-IL) and Congressman Bill Lipinski (D-IL) in sending a letter to Administrator Rutter requesting additional time to review and update the current inventory on highway-rail grade crossings. It is of the utmost importance to allow our municipalities additional time so that a more thorough analysis can be completed. Only after an extensive review of data and additional guidance by the FRA can local authorities provide a more accurate evaluation of the proposed rule. Unsecured crossings must be secured. Unsafe crossings with a clean record of accidents must be addressed, but safe crossings with no record of accidents and sufficient safety equipment should continue to be exempt from blowing train whistles without costing taxpayers a fortune.

I look forward to Administrator Rutter's visit to Illinois later this month and working with all parties to find a balance between ensuring the safety at highway-rail grade crossing and improving the quality of life in our communities.